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The Honorable Ann M. Donnelly
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Douglass Mackey, Criminal Docket No. 21-0080 (NGG)

Dear Judge Donnelly:

Yesterday morning, shortly before Court convened for the second day of testimony at trial of the above-referenced case, the government handed me two FBI 302 interview reports of Amy Karr, who worked for the presidential campaign of Hillary Clinton in 2016. Though I had not had sufficient time fully to consider all the ramifications of the government's mid-trial disclosure, I immediately moved for a mistrial because disclosure of the reports appeared to include information which the government had been required to disclose before trial pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963).

At yesterday's lunch break, after revelation of the reports of Ms. Karr, I requested that the government produce FBI 302 reports of all interviews of people who worked for the Clinton campaign. The government produced an additional sixteen interview reports. A cursory review of these reports establishes that they also include material that should have been produced before trial pursuant to *Brady v. Maryland*. I do not publicly file the reports herewith to afford the government an opportunity to redact telephone numbers and any other personal information, but incorporate them all by reference herein.

Since court adjourned yesterday afternoon, I have been preoccupied with preparing Mr. Mackey for his expected testimony this afternoon and other trial tasks. I have not had ample time to review the government's midtrial disclosures and evaluate options. For this reason, I respectfully request an adjournment of the trial for one day to afford Mr. Mackey and me an opportunity to evaluate the new information and our options. If that application is denied, I respectfully request sufficient time to brief a renewed motion for a mistrial. If a mistrial is not declared, I respectfully request an opportunity to re-open to the jury and admit excerpts of the reports into evidence, accompanied by an instruction to the jury that the new protocol is a consequence of the government's midtrial disclosures.

Respectfully submitted,

/s/ Andrew J. Frisch
Andrew J. Frisch

cc: US Attorney's Office